Executive Summary – Enforcement Matter – Case No. 44318 Frankston Rural Water Supply Corporation RN101440857

Docket No. 2012-1174-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Frankston Rural WSC, 0.25 mile west of State Highway 155 at the intersection of County Road 318 and 329, Anderson County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 16, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$1,277

Amount Deferred for Expedited Settlement: \$0 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,277 **Total Due to General Revenue:** \$0

Payment Plan: N/A **SEP Conditional Offset:** \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - N/A Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Executive Summary – Enforcement Matter – Case No. 44318 Frankston Rural Water Supply Corporation RN101440857 Docket No. 2012-1174-PWS-E

Investigation Information

Complaint Date(s): N/A **Complaint Information**: N/A

Date(s) of Investigation: May 15, 2007 and May 2, 2012

Date(s) of NOE(s): May 17, 2012

Violation Information

- 1. Failed to obtain a sanitary control easement for all land within 150 feet of the ground water wells [30 Tex. Admin. Code § 290.41(c)(1)(F)].
- 2. Failed to notify the Executive Director ("ED") prior to making any significant change to the Facility's production, treatment, storage, pressure maintenance, or distribution system [30 Tex. Admin. Code § 290.39(j) and Tex. Health & Safety Code § 341.0351].
- 3. Failed to provide a well casing vent with an opening that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the groundwater well [30 Tex. Admin. Code § 290.41(c)(3)(K)].
- 4. Failed to enclose the water treatment plant and all appurtenances within an intruder-resistant fence or a locked building that is to remain locked during periods of darkness or when the plant is unattended [30 Tex. Admin. Code § 290.42(m)].
- 5. Failed to provide ground storage tanks ("GSTs") designed in strict accordance with American Water Works Association standards with an overflow pipe that terminates downward with a gravity-hinged and weighted cover tightly fitted with no gap over 1/16 inch [30 Tex. Admin. Code § 290.43(c)(3)].
- 6. Failed to prohibit water connection to a residence or establishment where an actual or potential contamination or system hazard exists without an air gap separation or an approved backflow prevention assembly between the public water facilities and the actual or potential contamination or system hazard, as identified in 30 Tex. ADMIN. CODE § 290.47(i) [30 Tex. ADMIN. CODE § 290.44(h)(1)(A)].
- 7. Failed to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection [30 Tex. ADMIN. CODE § 290.45(b)(1)(D)(iv) and Tex. Health & Safety Code § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By July 13, 2012, Respondent installed an intruder-resistant fence at Plant No. 4 and installed a well casing vent on Well No. 9.

Executive Summary – Enforcement Matter – Case No. 44318 Frankston Rural Water Supply Corporation RN101440857 Docket No. 2012-1174-PWS-E

Technical Requirements:

The Order will require Respondent to:

- a. Within 30 days:
- i. Provide written notification to the ED of all modifications that have been made to the Facility's production, treatment, storage, pressure maintenance, or distribution system, including but not limited to the additional Plant No. 4; and
- ii. Provide the GST overflows with gravity-hinged and weighted covers that fit tightly with no gap over 1/16 inch.
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provisions a.i. and a.ii.
- c. Within 90 days:
- i. Ensure that a proper backflow prevention assembly or an air gap is provided at all locations where an actual or potential contamination hazard exists; and
- ii. Obtain a sanitary control easement that covers all land with 150 feet for Well Nos. 1, 3, 6, 7 and 8 or obtain Commission approval of an exception to the easement requirement.
- d. Within 105 days, submit written certification demonstrating compliance with Ordering Provisions c.i. and c.ii.
- e. Within 180 days, provide a pressure tank capacity of 20 gallons per connection at Plant No. 3.
- f. Within 195 days, submit written certification demonstrating compliance with Ordering Provision e.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 44318 Frankston Rural Water Supply Corporation RN101440857 Docket No. 2012-1174-PWS-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Abigail Lindsey, Enforcement Division,

Enforcement Team 2, MC 169, (512) 239-2576; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: W.J. Dwyer, President, Frankston Rural Water Supply Corporation, P.O.

Box 725, Frankson, Texas 75763-0725 **Respondent's Attorney:** N/A

Penalty Calculation Worksheet (PCW) PCW Revision October 30, 2008 Policy Revision 2 (September 2002) Assigned 21-May-2012 PCW 20-Jun-2012 Screening 8-Jun-2012 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Frankston Rural Water Supply Corporation Reg. Ent. Ref. No. RN101440857 Facility/Site Region 5-Tyler Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 44318 No. of Violations 1 Docket No. 2012-1174-PWS-E Order Type Findings Media Program(s) Public Water Supply Government/Non-Profit Yes Enf. Coordinator Abigail Lindsey Multi-Media EC's Team Enforcement Team 2 Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$250 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** \$62 25.0% Enhancement Subtotals 2, 3, & 7 Enhancement for five NOVs with same/similar violations. Notes 0.0% Enhancement **Culpability** No Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 0.0% Enhancement* Subtotal 6 **Economic Benefit** \$0 Total EB Amounts *Capped at the Total EB \$ Amount \$41 Approx. Cost of Compliance \$100 SUM OF SUBTOTALS 1-7 \$312 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0 Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$312 STATUTORY LIMIT ADJUSTMENT \$312 Final Assessed Penalty

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g.

Notes

\$0

\$312

0.0% Reduction Adjustment

20 for 20% reduction.)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Screening Date 8-Jun-2012

Docket No. 2012-1174-PWS-E

Respondent Frankston Rural Water Supply Corporation

Case ID No. 44318

Reg. Ent. Reference No. RN101440857

Media [Statute] Public Water Supply

Enf. Coordinator Abigail Lindsey

. Compliance History Worksheet

Component	Number of	Enter Number Here	Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	5	25%
	Other written NOVs	.0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
J.	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sub	total 2
eat Violator (
N/A	Adjustment Per	centage (SUD)	iotai 3
pliance Histo	ry Person Classification (Subtotal 7)		
N/A	-	centage (Sub	total 7
pliance Histo	ry Summary		
Compliance History Notes	Enhancement for five NOVs with same/similar violations.		

	ening Date			No. 2012-1174-PWS-E	PCW
REPUBLICA CONTROL OF THE PROPERTY OF	. A A. P	Frankston Rural Water Supp	oly Corporation		Policy Revision 2 (September 2002)
	ase ID No.				PCW Revision October 30, 2008
Reg. Ent. Ref					
		Public Water Supply			
Enf. C	oordinator	Abigail Lindsey			
Viola	tion Number	1			
	Rule Cite(s)				
	Ruic Cite(3)	30 T€	ex. Admin. Code § 29	0.41(c)(1)(F)	
Violatio	n Description	Failed to obtain sanitary co	ntrol easements for a		Well Nos.
***************************************				Bas	e Penalty \$1,000
>> Environmen	ntal, Proper	ty and Human Health	Matrix		
		Harm			
0.0	Release	Major Moderate	Minor		
OR	Actual			Boroont 50	
	Potential		X	Percent 5%	
>>Programma					
1	Falsification	Major Moderate	Minor	Percent 0%	
				Percent 0%	
Matrix	E -	e sanitary control easement	•		·
Notes		proximity to the wells, expo aminants which would not e			
	Or come	mineries which would not c	xecca levels that are	proceedive of mamari mean	
				Adjustment	\$950
-					\$50
Vialation Ever					
Violation Event	.5				
	Number of V	/iolation Events 5	185	Number of violation	days
	mark only one with an x	daily weekly monthly quarterly semiannual annual single event		Violation Base	e Penaity \$250
		Five single events are	recommended (one	for each well).	
Good Faith Effo	orts to Com	o.09	6 Reduction	2024 C. HOPE	\$0
		Before NOV	NOV to EDPRP/Settleme	ent Offer	
		Extraordinary			
		Ordinary			
		N/A x	(mark with x)		
The second of th		Notes The Respon	dent does not meet t this violatio	he good faith criteria for on.	,
				Violation	Subtotal \$250
Economic Bene	fit (EB) for	this violation		Statutory Limit	Test
			÷41]	Violation Final Pena	
Constitution of the Consti	EStimat	ed EB Amount	\$41		
		This vio	olation Final Assess	ed Penalty (adjusted fo	or limits) \$313

	erra gota da 📥	CONTONIC	Benefit	MO	rksneet		
Respondent	Frankston Rur	al Water Supply C	Corporation		10		
Case ID No.	44318						
ea. Ent. Reference No.	RN101440857						
	Public Water S						Years of
Violation No.						Percent Interest	Depreciation
	See house			(4-18-7	19 September 412	5.0	15
	74	Nata Rassiliad	F11 B-1-	V	Tabasant Cassad	Onetime Costs	EB Amount
	H2111 (11) (12)	Date Required	Final Date	115	Tilterest Saven	Onetime Costs	ED AIIIUUIIL
Item Description	No commas or \$				5.00		
Delayed Costs	BREEK CERTER		Name (A.S.A.S. D. (B.) (B.) (B.)		545 2 50Y5510HES		
Delayeu Costs Equipment		Y	K/98337 (1985) ///	0.00	\$0	\$0	\$0
Equipment Buildings		i		0.00	\$0	\$0 \$0	\$ 0
Other (as needed)	\$100	15-May-2007	1-Apr-2013	5.88	\$2	\$39	\$41
Engineering/construction	3100	13-May-2007	1-ADI-2013	0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	ar off n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	Mail: Na	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
						trol easements for \	Well Nos. 1, 3,
Notes for DELAYED costs			ated from the i	nvestig			Well Nos. 1, 3,
Notes for DELAYED costs Avoided Costs	6, 7 and 8 (\$2	0 per well), calcul	ated from the i estimate	nvestig d date enterir	ation date original of compliance.	trol easements for Name of the last of the	Well Nos. 1, 3, violation to the led costs)
	6, 7 and 8 (\$2	0 per well), calcul	ated from the i estimate	nvestig d date enterir 0.00	ation date original of compliance. ng item (except i \$0	trol easements for N ly documenting the for one-time avoid \$0	Vell Nos. 1, 3, violation to the led costs)
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Avoided Costs Disposal Personnel spection/Reporting/Sampling	6, 7 and 8 (\$2	0 per well), calcul	ated from the i estimate	d date enterir 0.00 0.00 0.00	ation date original of compliance. ng item (except 1 \$0 \$0 \$0	trol easements for N ly documenting the for one-time avoid \$0 \$0 \$0	Vell Nos. 1, 3, violation to the led costs): \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	6, 7 and 8 (\$2	0 per well), calcul	ated from the i estimate	nvestig d date enterir 0.00 0.00 0.00	ation date original of compliance. ng item (except \$0 \$0 \$0 \$0	trol easements for N ly documenting the for one-time avoid \$0 \$0 \$0 \$0	Nos. 1, 3, violation to the
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Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	6, 7 and 8 (\$2	0 per well), calcul	ated from the i estimate	nvestig d date nterir 0.00 0.00 0.00 0.00	ation date original of compliance. ng item (except: \$0 \$0 \$0 \$0 \$0	trol easements for N ly documenting the for one-time avoid \$0 \$0 \$0 \$0 \$0	Vell Nos. 1, 3, violation to the led costs) \$0 \$0 \$0 \$0 \$0 \$0
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Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	6, 7 and 8 (\$2	0 per well), calcul	ated from the i estimate	nvestig d date nterir 0.00 0.00 0.00 0.00 0.00	ation date original of compliance. ng item (except: \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	trol easements for N ly documenting the for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Vell Nos. 1, 3, violation to the violation to the section to the s
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	6, 7 and 8 (\$2	0 per well), calcul	ated from the i estimate	nvestig d date nterir 0.00 0.00 0.00 0.00 0.00	ation date original of compliance. ng item (except: \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	trol easements for N ly documenting the for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Vell Nos. 1, 3, violation to the violation to the section to the s
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	6, 7 and 8 (\$2	0 per well), calcul	ated from the i estimate	nvestig d date nterir 0.00 0.00 0.00 0.00 0.00	ation date original of compliance. ng item (except: \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	trol easements for N ly documenting the for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Vell Nos. 1, 3, violation to the violation to the section to the s

Penalty Calculation Worksheet (PCW) PCW Revision August 3, 2011 Policy Revision 3 (September 2011) Assigned 21-May-2012 PCW 20-Jun-2012 Screening 8-Jun-2012 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Frankston Rural Water Supply Corporation Reg. Ent. Ref. No. RN101440857 Facility/Site Region 5-Tyler Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 44318 No. of Violations 6 Order Type Findings Docket No. 2012-1174-PWS-E Government/Non-Profit Yes Media Program(s) Public Water Supply Enf. Coordinator Abigail Lindsey Multi-Media EC's Team Enforcement Team 2 \$50 Maximum Admin. Penalty \$ Limit Minimum \$1,000 Penalty Calculation Section \$800 TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. \$200 **Compliance History** 25.0% Enhancement Subtotals 2, 3, & 7 Enhancement for five NOVs with same/similar violations. Notes Culpability 0.0% Enhancement Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$35 0.0% Enhancement* Subtotal 6 \$0 **Economic Benefit** Total EB Amounts *Capped at the Total EB \$ Amount \$212 Approx. Cost of Compliance

\$965

\$965

\$965

\$965

\$0

\$0

Final Subtotal

Final Penalty Amount

Final Assessed Penalty

Reduction Adjustment

Adjustment

0.0%

0.0%

SUM OF SUBTOTALS 1-7

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

No deferral is recommended for Findings Orders.

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage.

STATUTORY LIMIT ADJUSTMENT

Notes

Notes

PAYABLE PENALTY

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Screening Date 8-Jun-2012

Docket No. 2012-1174-PWS-E

Respondent Frankston Rural Water Supply Corporation

Case ID No. 44318

Reg. Ent. Reference No. RN101440857

Media [Statute] Public Water Supply Enf. Coordinator Abigail Lindsey

Component	ry Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.		
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	5	25%		
	Other written NOVs	0	0%		
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%		
Orders	Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission				
Judgments			0%		
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%		
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%		
Emissions	Chronic excessive emissions events (number of events)	0	0%		
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%		
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)				
	Ple	ease Enter Yes or No			
	Environmental management systems in place for one year or more	No	0%		
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%		
O C. T. C.	Participation in a voluntary pollution reduction program	No	0%		
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%		
epeat Violator (Adjustment Per	centage (Sub	otal 2)		
N/A	20000000000000000000000000000000000000	centage (Subi	otal 3)		
	ry Person Classification (Subtotal 7)				
N/A		centage (Subt	otal 7)		
mpliance Histo		- •			
Compliance History Notes	Enhancement for five NOVs with same/similar violations.				
	Total Compliance History Adjustment Percentage (S				

Scre	ening Date	8-Jun-2012 Docket No. 2012-1174-PWS-E	PCW
★ 1 × 1000 ×	BRIGHT 15 01 9999 335 DA	Frankston Rural Water Supply Corporation	Policy Revision 3 (September 2011)
Reg. Ent. Re	Case ID No. Forence No.		PCW Revision August 3, 2011
		Public Water Supply	
		Abigail Lindsey	
	ation Number		
***************************************	Rule Cite(s)	30 Tex. Admin. Code § 290.39(j) and Tex. Health & Safety Code § 341	1.0351
		Failed to notify the Executive Director prior to making any significant char	nge to the
Violatio	n Description	Facility's production, treatment, storage, pressure maintenance, or dist system. Specifically, at the time of the investigation, it was documented Respondent had not received written approval from the TCEQ to place P	that the
***************************************		Base	e Penalty \$1,000
>> Environme	ntal, Prope	ty and Human Health Matrix	****
		Harm	
OR	Release Actual		roomne
	Potential		***************************************
>>Programma			***
	Falsification	Major Moderate Minor x Percent 5.0%	
		Y Greene 5.070	And the second s
Matrix		100% of the rule requirement was not met.	
Notes			
			+050
		Adjustment	\$950
			\$50
Violation Even	ts		
	Number of	Violation Events 1 37 Number of violation	days
			·
		dally	
		weekly	***************************************
	mark only one	monthly quarterly Violation Base	e Penalty \$50
	with an x	semiannual	\$ 7 Charty
		annual	The second secon
		single event x	·
		One single event is recommended.	1
-			
Good Faith Effo	orts to Com		\$0
vice		Before NOV NOV to EDPRP/Settlement Offer Extraordinary	***************************************
***************************************		Ordinary	
		N/A x (mark with x)	
Control			
***************************************		The Respondent does not meet the good faith criteria for this violation.	
***************************************		Chia violation.	
Verente		Violation	Subtotal \$50
		Violation	330
Economic Bene	fit (EB) for	this violation Statutory Limit	Test
	F_4	ed EB Amount \$23 Violation Final Pena	alty Total \$63
***************************************	Estimat	ed EB Amount \$23 Violation Final Pena	11.y 10.a1 303
		This violation Final Assessed Penalty (adjusted for	or limits) \$63

	E	conomic	Benefit	Wo	rksheet		
Case ID No.	44318	al Water Supply C	orporation				
Reg. Ent. Reference No. Media Violation No.	Public Water 9					Percent Interest	Years of Depreciation
Violation No.	1		14 15 5			5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$		10 E				
Delayed Costs				-	er entre en		
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	2-May-2012	1-Jan-2013	0.67	\$1	\$22	\$23
Engineering/construction	36.77.7			0.00	\$0	\$0	\$0
Land		<u></u>		0.00	\$0	/iii n/a ⊪	\$0
Record Keeping System			<u> </u>	0.00	\$0	ns n/a	\$0
Training/Sampling				0.00	\$0	n/a 🤼 🗓	\$0
Remediation/Disposal				0.00	\$0	d n/a	\$0
Permit Costs Other (as needed)				0.00	\$0 \$0	Maria n/a N/a n/a	\$0 \$0
Notes for DELAYED costs			tional Plant No.	4, calc		Director and submit vestigation date to t	
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			or one-time avoid	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling		<u> </u>		0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0 \$0	\$0
Other (as needed)		<u> </u>		0.00	\$0	<u> 50 I</u>	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$500	<u> </u>		TOTAL		\$23

	ate 8-Jun-2012 Docket No. 2012-1174-PWS-E	PCW
\$7,5888 Telligram 100 extra 100 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0		Revision 3 (September 2011)
Reg. Ent. Reference		PCW Revision August 3, 2011
	ite] Public Water Supply	***************************************
	itor Abigail Lindsey	
Violation Nun		
Rule Cit	e(s) 30 Tex. Admin. Code § 290.41(c)(3)(K)	
		=
Violation Descrip	Failed to provide a well casing vent with an opening that is covered with 16-mes finer corrosion-resistant screen, facing downward, elevated and located so as minimize the drawing of contaminants into the groundwater well. Specifically, W. No. 9 did not have a well casing vent.	to
	Base Pen	alty \$1,000
>> Environmental, Pro	pperty and Human Health Matrix Harm	
Relo	ease Major Moderate Minor	
OR A	ctual	
Pote	ential X Percent 5.0%	
>>Programmatic Matr		
Falsifica	tion Major Moderate Minor	
	Percent 0.0%	
		_
	o provide the well casing vent could allow insects, dust, and other significant contamina or the water source, which would not exceed levels that are protective of human health	
Notes to ente	er the water source, which would not exceed levels that are protective of human health	<u> </u>
	Adjustment \$	950
	- Augustificite -	
		\$50
Violation Events		
Numbe	er of Violation Events 1 37 Number of violation days	
mark only with an		alty \$50
One qua	rterly event is recommended, calculated from the investigation date, May 2, 2012, to t screening date, June 8, 2012.	he
Good Faith Efforts to C	omply 10.0% Reduction	\$5
GOOD FAILH ENDICS to C	Before NOV NOV to EDPRP/Settlement Offer	******
	Extraordinary	
	Ordinary x	
	N/A (mark with x)	
	Notes The Respondent achieved compliance on July 13, 2012.	
***************************************	Violation Subto	otal \$45
Economic Benefit (EB)	for this violation Statutory Limit Test	
Esti	imated EB Amount \$1 Violation Final Penalty To	otal \$58
	This violation Final Assessed Penalty (adjusted for lim	its) \$58

	E(conomic	Benefit	Wo	rksheet	7000 E	
Case ID No.	44318	al Water Supply C	Corporation				,
	Public Water 9					Percent Interest	Years of
Violation No.	. 2		mitano de 140 milionario		1000 C		Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
	2 2 3			(151 53898 46375			
Delayed Costs	·	y u		1 0 00	40	\$0	\$0
Equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Buildings				0.00	\$0 \$0	\$0 \$0	\$0
Other (as needed) Engineering/construction	\$100	2-May-2012	13-Jul-2012	0.20	\$0 \$0	\$1	\$1
Engineering/construction Land	3100	1 2-May-2012 1	13-301-2012	0.00	\$0 \$0	n/a - s	\$0
Record Keeping System		 		0.00	\$0	r/a f64	\$0
Training/Sampling				0.00	\$0	n/a sissi	\$0
Remediation/Disposal				0.00	\$0	n/a tim	\$0
Permit Costs		1 4 355 m 450 m		0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	. \$0
Notes for DELAYED costs		, i	investigation da	te to th	ne date of complia	sing vent, calculated nce. for one-time avoice.	11
Avoided Costs	ANNUAL	IZE [I] avoided	COSCS DETOTE	0.00	\$0	\$0	\$0
Disposal Personnel				0.00	\$0 \$0	\$0	\$0
Inspection/Reporting/Sampling	-			0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]			10.1	0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			THE LOAD	0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$100			TOTAL		\$1]

DESCRIPTION OF THE PROPERTY OF	g Date 8-Jun-201		PCW
[6] F. Land, M. S. Scholle, M. S. Scholl, Phys. Rev. B 58, 187 (1997); Phys. B 58, 187		Rural Water Supply Corporation	Policy Revision 3 (September 2011)
A STATE OF THE STATE OF	ID No. 44318		PCW Revision August 3, 2011
Reg. Ent. Referen			COMPARED
	atute] Public Wat		
	inator Abigail Lin	dsey	
Violation (
Rule	Cite(s)	30 Tex. Admin. Code § 290.42(m)	The state of the s
Violation Des	crintian resista	enclose the water treatment plant and all appurtenances within a ant fence or a locked building that is to remain locked during per ness or when the plant is unattended. Specifically, at the time of investigation, there was not a fence surrounding Plant No. 4.	iods of
			e Penalty \$1,000
>> Environmental,	Property and F	luman Health Matrix	
	Release Major	Harm Moderate Minor	
OR	Release Major Actual	Moderate Minor	
	Potential x	Percent 15.0%	
>>Programmatic M	atrix	11 <u>2</u>	хитлат
	fication Major	Moderate Minor	тетогория (
		Percent 0.0%	Andre service
Fail	uro to maintain an i	ntruder-resistant fence and locked building could result in damage	se to the
		l/or contamination of the drinking water by trespassers. This co	- 1
		lity to be exposed to contaminants, which would exceed levels the	· II
motes of		protective of human health.	
<u> </u>			
			+050
		Adjustment	<u>\$850</u>]
***			\$150
Violation Events			
Nu	mber of Violation Ev	rents 2 37 Number of violation	days
	only one than x semiann annua single ev	y X X Y Violation Bas	e Penalty \$300
T	monthly events are	recommended, calculated from the investigation date, May 2, 20	12 to the
	nonany events are	screening date, June 8, 2012.	12, co the
		,	
Card Faith Pff	a Causaks	10 006 Parking the	#20
Good Faith Efforts t	o comply	10.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	\$30
	Extraordin		

	Ordi	·	***************************************
		N/A (mark with x)	ns a A/Arri
	N	otes The Respondent achieved compliance on July 13, 2012.	
To Accompany		Violation	Subtotal \$270
Economic Benefit (I	EB) for this viol	ation Statutory Limit	Test
	Estimated FR 4	*20	Total 43.5
-	Estimated EB Amo	ount \$28 Violation Final Pena	alty Total \$345
		This violation Final Assessed Penalty (adjusted fo	or limits) \$345
			7515

		al Water Supply C	orporation				
Case ID No.	8	•					
	Public Water S					Percent Interest	Years of
Violation No.	3	AP-/ A-22-ECHRENING May CEPHE		San			Depreciation
						5.0	15
3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs	1911	Shire	1 14 1 19			2	
Equipment		1 1 1 1 1 1 1 1 1 1 1 1		0.00	\$0	\$0	\$0
Buildings	\$1,995	2-May-2012	13-Jul-2012	0.20	\$1	\$26	\$28
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction		<u> </u>		0.00	\$0	\$0	\$0
Land			<u></u>	0.00	\$0	n/a	<u>\$0</u> \$0
Record Keeping System				0.00	\$0 \$0	n/a n/a	\$0 \$0
Training/Sampling	<u> </u>	 		0.00	\$0	- 1/g	\$0 \$0
Remediation/Disposal Permit Costs				0.00	\$0 \$0		\$0
Other (as needed)	The delaye			0.00 Id an in	\$0 truder-resistent fe	n/a	\$0
Other (as needed) Notes for DELAYED costs		calculated	from the invest	0.00 ld an in tigation	\$0 struder-resistent for date to the date of	ence that surrounds of compliance.	\$0 Plant No. 4,
Other (as needed) Notes for DELAYED costs Avoided Costs		calculated	from the invest	0.00 Id an in tigation	\$0 struder-resistent for date to the date of ng item (except	ence that surrounds of compliance.	\$0 Plant No. 4,
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal		calculated	from the invest	d an in tigation enterin	\$0 struder-resistent for date to the date of the date of the date	ence that surrounds of compliance.	\$0 Plant No. 4,
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel		calculated	from the invest	0.00 Id an in tigation	\$0 struder-resistent for date to the date of ng item (except	ence that surrounds of compliance. for one-time avoid	\$0 Plant No. 4, led costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel		calculated	from the invest	d an in tigation enterin 0.00	\$0 atruder-resistent fe date to the date of the date	ence that surrounds of compliance. for one-time avoid \$0 \$0	\$0 Plant No. 4, led costs) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling		calculated	from the invest	enterio 0.00 0.00 0.00 0.00 0.00	\$0 atruder-resistent fe date to the date of the date	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 Plant No. 4, so \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Spection/Reporting/Sampling Supplies/equipment		calculated	from the invest	enterio 0.00 enterio 0.00 0.00 0.00 0.00 0.00 0.00	\$0 atruder-resistent fer date to the date of the date	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 Plant No. 4, \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		calculated	from the invest	enterio 0.00 0.00 0.00 0.00 0.00	\$0 atruder-resistent fe date to the date of the date	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 Plant No. 4, ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		calculated	from the invest	enterio 0.00 enterio 0.00 0.00 0.00 0.00 0.00 0.00	\$0 atruder-resistent fer date to the date of the date	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 Plant No. 4, s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		calculated	from the invest	enterio 0.00 enterio 0.00 0.00 0.00 0.00 0.00 0.00	\$0 atruder-resistent fer date to the date of the date	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 Plant No. 4, \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$

\$000 000 The recovery conserved a servete, 20	ening Date			ocket No. 2012-1174-PWS-E	P	YCW
\$ keep keep contract to the contract of the co	SOUTH AND COOK AND CARE		ater Supply Corporation	า	Policy Revision 3 (September	- 1
\$60.0000.000000000000000000000000000000	ase ID No.				PCW Revision August :	3, 2011
Reg. Ent. Refe			i			***************************************
		Public Water Suppl	У			***************************************
\$0.000 000 \$1.00 PARK - REPORT - PARK OF	oorginator tion Number	Abigail Lindsey				
Viola	Rule Cite(s)		· · · · · · · · · · · · · · · · · · ·			Ì
***	itule died(s)		30 Tex. Admin. C	ode § 290.43(c)(3)		
Violation	n Description	American Water V downward with a 1/16 inch. Specifi	Vorks Association stand gravity-hinged and wei cally, at the time of the not have a gravity-hing	"GSTs") designed in strict accord ards with an overflow pipe that the ghted cover tightly fitted with not envestigation, it was documented and weighted cover on the GS to 4.	erminates gap over d that the	
				Bas	e Penalty \$	1,000
>> Environmen	ital, Proper	ty and Human	Health Matrix			
			Harm			
OR	Release Actual		loderate Minor	1		
UK.	Potential		×	Percent 5.0%		***************************************
	rocentia	<u> </u>	^	3.0 %		
>>Programmat	ic Matrix		100	1.00		
	Falsification	Major M	loderate Minor			***
				Percent 0.0%		
F F						
Matrix				on the GST could expose custom		-
Notes	Facility to sign	ificant amounts of o	ontaminants, which wo human health	ould not exceed levels that are pr	otective or	
			numan nealui	•		-
				Adjustment	\$950	****
				Aujustment	4000]	***
						\$50
Violation Event	S					
	Number of 1	Violation Events		37 Number of violation	dave	***************************************
	Number of	Violation Events	1	37 Inditibel of violation	uays	
	mark only one with an x	daily weekly monthly quarterly semiannual annual single event	X	Violation Bas	e Penalty	\$50
1				be to continue the state of the	12 4- 45-	
	One quarterly	/ event is recomme	screening date, June	he investigation date, May 2, 20: 8. 2012	12, to the	
[Server in grader, server	-,		
Cood Faith Fffa	uta ta Cam	-hr	0.0% Reduction			\$0
Good Faith Effo	rts to Com		***************************************	Settlement Offer	******* L	Ψ0
		Extraordinary				
		Ordinary				
		N/A	x (mark with x)			
			:			
		Notes	•	meet the good faith criteria for violation.		
				Violation	Subtotal	\$50
Economic Bene	fit (EB) for	this violation		Statutory Limit	:Test	
	Estimat	ed EB Amount	\$14]	Violation Final Pen	alty Total	\$63
			This violation Final	Assessed Penalty (adjusted f	or limits)	\$63
			Troidcion i ilidi	(uajusteu i		

	E	conomic I	Benefit	Wo	rksheet		
Respondent Case ID No.		al Water Supply C	orporation			, (1995), 47. A. (2999) (1999) (1999) (1999) (1999)	
Reg. Ent. Reference No.		•					
	Public Water S						Years of
Violation No.		эарргу				Percent Interest	Depreciation
Violation ito.	3				Same of the same	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
	,,,, co,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	V48480000000000000000000000000000000000		M. 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 -	2004.01.1.1.1.1.1.1.1.200.00000000000000		
Delayed Costs	- 4						
Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$300	2-May-2012	1-Jan-2013	0.67	\$1	\$13	\$14
Engineering/construction				0.00	\$0	\$0	\$0
Land		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		0.00	\$0	n in/a	\$0
Record Keeping System	, 193			0.00	\$0	in tVa	\$0
Training/Sampling	1,141			0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	.r : 10/8	\$0
Permit Costs	s ody			0.00	\$0	"in/a "'a	\$0
Other (as needed)	1 100			0.00	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs Disposal		the inve	stigation date	to the e	estimated date of o	ap over 1/16 inch, compliance. for one-time avoid	
Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling		 		0.00	\$0 \$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]		 		0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs			· · · · · · · · · · · · · · · · · · ·	<u>1 0.00</u>	***		-
Approx. Cost of Compliance		\$300			TOTAL		\$14

Respondent Frankston Rural Water Supply Corporation Reg. Ent. Reference No. 81,01446857 Reg. Ent. Reference No. 81,01446857 Medial (Statuta) Judic Water Supply Enf. Coordinator Ablagal Lindsky Violation Rumber Violation Rumber Violation Description Regisses Major Moderate Minor Actus Personal Absention Personal Science of the Investigation, it was documented that a backflow prevention assembly was not installed at the Lake Personal Administration of the Investigation in the washington in the State Science of the Personal Administration of the Investigation in the State Science of the Science of the Personal Science of the Investigation in the Science of the Scien	Screening Da		PCW
Reg. Ent. Reference No. RN101440857 Media [Statute] Public Water Supply Ent. Coordinator Abigail Indeey Violation Number Rule Cite(s) Failed to prohibit water connection to a residence or establishment where an actual or potential contamination or system hazard exists without an air gap separation or an approved backflow prevention assembly between the public ventice in 30 Tex. Admin. Code \$ 290.44(h)(1)(A) Violation Description Violation Description Violation Description Admin. Code \$ 290.44(h)(1)(A) Failed to prohibit water connection to a residence or establishment where an actual or potential contamination or system hazard exists without an air gap separation or an approved backflow and separation or an approved backflow prevention assembly between the public periodic in 30 Tex. Admin. Code \$ 290.44(h)(1)(A) Failed to prohibit water connections assembly between the public periodic in 30 Tex. Admin. Code \$ 290.44(h)(1)(A) Base Penalty \$ 1,000 Environmental, Property and Furgation Release Major Moderate Minor Percent 15.0% Percent 15.0% Percent 0.0% Failer to provide the required backflow prevention assemblies may allow backflow and sphonage to occur; thereby, exposing customers of the Facility to contaminants which would exceed levels that are protective of human health. Notes Number of Violation Events Number of Violation Events 2 37 Number of violation days Sally Property 2 1500 Failer to provide the required backflow prevention assemblies may allow backflow and sphonage to occur; thereby, exposing customers of the Facility to contaminants which would exceed levels that are protective of human health. Notes Number of Violation Events 2 37 Number of violation days Sally Property 2 1500 Failer to provide the required backflow prevention assembly with would exceed levels that are protective of human health. Failer to provide the required backflow prevention assembly to contaminants which would exceed levels that are protective of human health. Failer to provide the required backflow	Friday Alaba (Friday) III (Friday) (Fri	(2009)	1
Media Statute Public water Supply Senf. Coordinator Alogal Lindery Senf. Coordinator S	\$15000000000000000000000000000000000000		CW Revision August 3, 2011
Violation Section Se			
Violation Number Rule Cite(s) 30 Tex. Admin. Code § 290.44(h)(1)(A) Failed to prohibib water connection to a residence or establishment where an actual or potential contamination or system hazard exists without an air gap separation or an approved backflow prevention assembly between the public water facilities and the actual or potential contamination or system hazard, as identified in 30 Tex. Admin. Code § 290.47(7). Specifically, at the time of the investigation, it was documented that a backflow prevention assembly was not installed at the Lake Paleatine Admin. The state of the investigation in two states of the states			
Failed to prohibit water connection to a residence or establishment where an actual or potential contamination or system hazard exists without an air gap separation or an approved backflow prevention assembly between the public water facilities and the actual or potential contamination or system hazard, as identified in 30 Tex. Admin. Code § 290.4 (1). Specifically, at the time of the investigation, it was documented that a backflow prevention assembly was not installed at the Lake Palestine Animal Hospital. Base Penalty \$1,000 **Fourtestimental**, Property and Human Health Harm Release Major Moderate Minor Percent 15.0% **Programmatic Matrix** **Programmatic Matrix** **Programmatic Matrix** **Pallication Major Moderate Minor Percent 0.0% **Matrix** **Programmatic Matrix** **Pallication Major Moderate Minor Percent 0.0% **Matrix** **Programmatic Matrix** **Pallication Major Moderate Minor Percent 0.0% **Matrix** **Programmatic Matrix** **Pallication Major Moderate Minor Percent 0.0% **Matrix** **Programmatic Matrix** **Pallication Major Moderate Minor Percent 0.0% **Matrix** **Programmatic Matrix** **Pallication Major Moderate Minor Percent 0.0% **Matrix** **Programmatic Matrix** **Pallication Major Moderate Minor Percent 0.0% **Matrix** **Programmatic Matrix** **Pallication Major Moderate Minor Percent 0.0% **Adjustment 0.0% **Adjustment 0.0% **Stock 0.0% Not on the investigation date, May 2, 2012, to the screening date, June 8, 2012. **Two monthly events are recommended, calculated from the investigation date, May 2, 2012, to the screening date, June 8, 2012. **Two monthly events are recommended, calculated from the investigation date, May 2, 2012, to the screening date, June 8, 2012. **Two monthly events are recommended of the investigation date, May 2, 2012, to the screening date, June 8, 2012. **Two monthly events are recommended of the investigation date, May 2, 2012, to the screening date, June 8, 2012. **Two monthly events are recommended of the investigation date, May	\$100 - December Commence Commence (Commence Commence Comm		
Violation Description Violation Description Violation Description Violation Description Addination of Security and Security and Security Securi	Rule Cite	30 Tex. Admin. Code § 290.44(h)(1)(A)	
Admin. Code § 290.47(I). Specifically, at the time of the investigation, it was documented that a backflow prevention assembly was not installed at the Lake Palestine Animal Hospital. Base Penalty \$1,000 >> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Protental X Percent 15.0% >> Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% Matrix Falsification Major Moderate Minor Percent 15.0% Fallure to provide the required backflow prevention assemblies may allow backflow and siphonage to occur; thereby, exposing customers of the Facility to contaminants which would exceed levels that are protective of human health. Adjustment		or potential contamination or system hazard exists without an air gap separation	n or
Number of Violation Events Single event Singl	Violation Descript	Admin. Code § 290.47(i). Specifically, at the time of the investigation, it was documented that a backflow prevention assembly was not installed at the Lak	
Notes Number of Violation Events Statistical Estimated EB Amount Statistical Estimated EB Amount Statistical Policy Statist		Base Pen	alty \$1,000
Notes Number of Violation Events Statistical Estimated EB Amount Statistical Estimated EB Amount Statistical Policy Statist	>> Environmental, Pro	erty and Human Health Matrix	
Potential X Percent 15.0% >>Programmatic Matrix Faisification Major Moderate Minor Percent 0.0% Matrix Notes Faisification Major Moderate Minor Percent 0.0% Matrix Notes Failure to provide the required backflow prevention assemblies may allow backflow and siphonage to occur; thereby, exposing customers of the Facility to contaminants which would exceed levels that are protective of human health. Adjustment \$850 \$150 Violation Events Number of Violation Events 2 37 Number of violation days Matrix Notes Major Medical Percents Ma		Harm	
Falsification Major Moderate Minor Percent 0.0% Matrix Notes Failure to provide the required backflow prevention assemblies may allow backflow and siphonage to occur; thereby, exposing customers of the Facility to contaminants which would exceed levels that are protective of human health. ### Adjustment \$550 \$150 \$			
Matrix Notes Matrix Notes Failure to provide the required backflow prevention assemblies may allow backflow and siphonage to occur; thereby, exposing customers of the Facility to contaminants which would exceed levels that are protective of human health. Adjustment			
Notes to occur; thereby, exposing customers of the Facility to contaminants which would exceed levels that are protective of human health. **Adjustment** **Adjustment** **Adjustment** **S50 **S150 **Violation Events** Number of Violation Events* **Description Events** Number of Violation Events* **Description Events** **Adjustment** **S50 **S150 **S150 **Violation Events** **Description Events** **Description Events** **Two mark only one with an x** **India Events** **India Events** **Two monthly events are recommended, calculated from the investigation date, May 2, 2012, to the screening date, June 8, 2012. **Good Faith Efforts to Comply** **One Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x mark with x) **Notes** **The Respondent does not meet the good faith criteria for this violation. **Violation Subtotal** **Violation Subtotal** **Violation Final Penalty Total** **S150 **Economic Benefit (EB) for this violation** **Statutory Limit Test** **Your Penalty Total** **Violation Final Penalty Total** **S150 **S15	Faisincation		-
Notes to occur; thereby, exposing customers of the Facility to contaminants which would exceed levels that are protective of human health. **Adjustment** **Adjustment** **Adjustment** **S50 **S150 **Violation Events** Number of Violation Events* **Description Events** Number of Violation Events* **Description Events** **Adjustment** **S50 **S150 **S150 **Violation Events** **Description Events** **Description Events** **Two mark only one with an x** **India Events** **India Events** **Two monthly events are recommended, calculated from the investigation date, May 2, 2012, to the screening date, June 8, 2012. **Good Faith Efforts to Comply** **One Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x mark with x) **Notes** **The Respondent does not meet the good faith criteria for this violation. **Violation Subtotal** **Violation Subtotal** **Violation Final Penalty Total** **S150 **Economic Benefit (EB) for this violation** **Statutory Limit Test** **Your Penalty Total** **Violation Final Penalty Total** **S150 **S15	Failure to	provide the required backflow prevention assemblies may allow backflow and siphona	ae l
Violation Events Number of Violation Events Violation Events	Matrix to occur:	thereby, exposing customers of the Facility to contaminants which would exceed leve	- ,
Number of Violation Events Author		Adjustment \$	850
Number of Violation Events Author	nd control of the con		\$150
daily weekly monthly x with an x w	Violation Events		
Weekly	Number	of Violation Events 2 37 Number of violation days	
Good Faith Efforts to Comply O.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$300 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$9 Violation Final Penalty Total \$375		weekly monthly x Violation Base Pena semiannual annual	alty \$300
Extraordinary Ordinary N/A Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$300 Economic Benefit (EB) for this violation \$300 Estimated EB Amount \$375	Two month		the
Extraordinary Ordinary N/A Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$300 Economic Benefit (EB) for this violation \$300 Estimated EB Amount \$375	Good Faith Efforts to Co	mply 0.0% Reduction	\$0
Ordinary N/A X (mark with x) The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$300 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$9 Violation Final Penalty Total \$375			T - 1
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	Economic Benefit (EB) f	or this violation Statutory Limit Test	
This violation Final Assessed Penalty (adjusted for limits) \$375	Estin	ated EB Amount \$9 Violation Final Penalty To	stal \$375
		This violation Final Assessed Penalty (adjusted for limi	ts) \$375

Media Violation No.	RN101440857 Public Water S					Percent Interest	Years of Depreciation
Aldigridit Mo	3				a san	5.0	15
	Trem Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Delaved Costs							
Equipment	\$200	2-May-2012	1-Jan-2013	0.67	\$0	\$9	\$9
Buildings	1 44 1 1 1 1 1 1 1 1 1 1	- 1 x y 2x x 1	1 1/4	0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	2.3			0.00	\$0	\$0	\$0
Land				0.00	\$0	na ma	\$0
Record Keeping System				0.00	\$0	the Na	\$0
Training/Sampling				0.00	\$0	n/a	\$0
-				0.00	\$0	are n/a	\$0
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Respondent	Frankston Rur	al Water Supply C	Corporation				
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eg. Ent. Reference No.	RN101440857	•					
	Public Water S						Years of
Violation No.						Percent Interest	Depreciation
Violation iso.	0			2.000		5.0	15
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斯 菲尔 金毛	Item Cost		Final Date	TFS	Interest Saved	Unetime Costs	EB AMOUNT
Item Description	No commas or \$						
Delayed Costs							
Equipment		Village.		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	F 74 (N. 4)			0.00	\$0	\$0	\$0
Engineering/construction	\$2,123	2-May-2012	1-Apr-2013	0.92	\$6	\$130	\$136
Land	1000			0.00	\$0	ar n/a	\$0
Record Keeping System	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1		0.00	\$0	n/a steel	\$0
Training/Sampling				0.00	\$0	n/a sa	\$0
Remediation/Disposal		1400		0.00	\$0	0/0-44	\$0
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Compliance History Report CN600641989 Frankston Rural Water Supply Corporation Classification: Rating: Customer/Respondent/Owner-Operator: RN101440857 FRANKSTON RURAL WSC Classification: Site Rating: Regulated Entity: 0010004 PUBLIC WATER SYSTEM/SUPPLY REGISTRATION ID Number(s): **LICENSE** 0010004 WATER LICENSING 0.25 MILE WEST OF STATE HIGHWAY 155 AT THE INTERSECTION OF COUNTY ROAD 318 AND 329, Location: ANDERSON COUNTY, TEXAS **REGION 05 - TYLER** TCEQ Region: Date Compliance History Prepared: June 07, 2012 Agency Decision Requiring Compliance History: Enforcement Compliance Period: June 07, 2007 to June 07, 2012 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Abigail Lindsey Phone: (512) 239-2576 Name: **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? YES Has there been a (known) change in ownership/operator of the site during the compliance period? NO N/A If YES, who is the current owner/operator? If YES, who was/were the prior owner(s)/operator(s)? N/A If YES, when did the change(s) in owner or operator occur? N/A 6. Rating Date: N/A Repeat Violator: N/A Components (Multimedia) for the Site: A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. Any criminal convictions of the state of Texas and the federal government. B. Chronic excessive emissions events. The approval dates of investigations. (CCEDS Inv. Track. No.) D. 05/15/2012 (1003022)06/26/2007 (564536)05/19/2008 (654053) 01/11/2010 (786611) 5 03/29/2010 796077 10/25/2010 (860457) E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 06/28/2	2007 (564536)	CN600641989	
Self Report? Citation:	NO 30 TAC Chapter 290, SubCha	Classification: opter D 290.41(c)(1)(F)	Minor
Description:	Failure to make available sani inspection.	tary control easements for the wells a	t the time of
Self Report? Citation:	NO 30 TAC Chapter 290, SubCha	Classification: pter D 290.41(c)(3)(K)	Minor
Description:	Failure to provide each well wi	ith a screened casing vent.	
Self Report? Citation:	NO 30 TAC Chapter 290, SubCha	Classification: pter D 290.41(c)(3)(O)	Minor
Description:	Failure to provide an intruder-i	resistant fence in order to protect the	wells.
Self Report? Citation:	NO 30 TAC Chapter 290, SubCha	Classification: pter D 290.42(I)	Minor
Description:	Failure to maintain a written P	lant Operations Manual.	
Self Report? Citation:	NO 30 TAC Chapter 290, SubCha	Classification: pter D 290.42(e)(3)(D)	Minor

Description: Failure to provide scales for determining the amount of disinfectant used daily, as well as the amount of disinfectant remaining for use Self Report? Classification: Moderate 30 TAC Chapter 290, SubChapter D 290.46(i) Citation: Failure to adopt an adequate plumbing ordinance, regulations or a service Description: agreement with provisions for proper enforcement. Classification: Self Report? Minor 30 TAC Chapter 290, SubChapter D 290.46(m) Citation: Failure to initiate maintenance and housekeeping practices. Description: Self Report? Classification: Minor 30 TAC Chapter 288, SubChapter B 288.20 Citation: Failure to provide a copy of an adopted drought contingency plan. Description: Self Report? Classification: Minor 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II) Citation: Failure to maintain records of the amount of treatment chemicals used each day. Description: Self Report? Classification: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii) Citation: Failure to maintain written complaint logs. Description: Self Report? Classification: Minor NO 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv) Citation: Failure to maintain records of the dates that dead-end mains were flushed. Description: Classification: Self Report? NO 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii) Citation: Failure to maintain records of the results of annual tank inspections. Description: Self Report? Classification: Minor 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv) Citation: Failure to maintain records of Customer Service Inspections. Description: Self Report? Classification: Minor NO 30 TAC Chapter 290, SubChapter D 290.46(n)(3) Citation: Failure to maintain copies of well completion data. Description: Self Report? Classification: Minor 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J) Citation: Failure to repair the cracked concrete sealing block surrounding Well Number 6, Description: using a flexible, nontoxic, waterproof compound. Date: 05/21/2008 (654053)CN600641989 Classification: Minor Self Report? Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F) Description: Failure to make available sanitary control easements for the wells at the time of inspection. Self Report? Classification: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O) Citation: Failure to provide an intruder-resistant fence in order to protect the wells. Description: Self Report? Classification: Minor 30 TAC Chapter 290, SubChapter D 290.42(I) Citation: Failure to maintain a written Plant Operations Manual. Description: Self Report? Classification: Minor 30 TAC Chapter 288, SubChapter B 288.20 Citation: Description: Failure to provide a copy of an adopted drought contingency plan. Self Report? Classification: Minor 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii) Citation: Failure to maintain written complaint logs. Description: Minor Self Report? Classification: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii) Citation: Failure to maintain records of the results of annual tank inspections. Description: Self Report? Classification: Minor 30 TAC Chapter 290, SubChapter D 290.46(n)(3) Citation: Description: Failure to maintain copies of well completion data. Minor Self Report? Classification: NO Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)

Failure to repair the cracked concrete sealing block surrounding Well Number 6,

using a flexible, nontoxic, waterproof compound.

Description:

(786611)CN600641989 Date: 01/12/2010 Self Report? Classification: Minor 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F) Citation: Description: Failure to make available sanitary control easements for the wells at the time of inspection. Self Report? NO Classification: Minor 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O) Citation: Failure to provide an intruder-resistant fence in order to protect the wells. Description: Classification: Self Report? Minor 30 TAC Chapter 290, SubChapter D 290.42(I) Citation: Failure to maintain a written Plant Operations Manual. Description: Classification: Minor Self Report? 30 TAC Chapter 288, SubChapter B 288.20 Citation: Description: Failure to provide a copy of an adopted drought contingency plan. Self Report? Classification: Minor 30 TAC Chapter 290, SubChapter D 290.46(n)(3) Citation: Failure to maintain copies of well completion data. Description: Self Report? Classification: Minor 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(D) Citation: Failure to provide scales for determining the amount of disinfectant used daily, as Description: well as the amount of disinfectant remaining for use Self Report? Classification: NO 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II) Citation: Failure to maintain records of the amount of treatment chemicals used each day. Description: Classification: Major Self Report? NO Citation: 30 TAC Chapter 290, SubChapter D 290.46(e) Description: Failure to operate a public water supply under the direct supervision of water works operator who holds an applicable valid license issued by the executive director. Date: 04/01/2010 (796077)CN600641989 Self Report? Classification: Minor 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F) Citation: Description: Failure to make available sanitary control easements for the wells at the time of Classification: Self Report? 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O) Citation: Failure to provide an intruder-resistant fence in order to protect the wells. Description: Self Report? Classification: Minor 30 TAC Chapter 290, SubChapter D 290.42(I) Citation: Failure to maintain a written Plant Operations Manual. Description: Self Report? Classification: Minor 30 TAC Chapter 288, SubChapter B 288.20 Citation: Description: Failure to provide a copy of an adopted drought contingency plan. Date: 10/29/2010 (860457)CN600641989 Self Report? Classification: Minor 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F) Citation: Description: Failure to make available sanitary control easements for the wells at the time of inspection. Environmental audits. N/A Type of environmental management systems (EMSs). N/A Voluntary on-site compliance assessment dates. N/A Participation in a voluntary pollution reduction program. N/A Early compliance. N/A

N/A

Sites Outside of Texas

F.

G.

J.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

THE OF TH

IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	8	TEXAS COMMISSION ON
FRANKSTON RURAL WATER	-	
SUPPLY CORPORATION	§	
RN101440857	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2012-1174-PWS-E

At i	ts		agenda,	the Te	exas Con	nmissio	n on l	Enviror	ımental	Qua	ılity
("the Com	mission" o	r "TCEQ")	considered	d this	agreem	ent of	the	parties	, resolv	ing	an
enforcemen	nt action re	garding Fra	nkston Rui	al Wa	ter Supp	oly Corp	oratio	on (the	"Respo	ndei	nt")
under the a	uthority of	TEX. HEALTI	1 & SAFETY	CODE (h. 341. T	The Exec	cutive	Direct	or of the	TC	EQ,
through th	e Enforcer	nent Divisio	on, and th	e Resp	ondent	presen	ted t	his agr	eement	to	the
Commissio	n.										

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply 0.25 mile west of State Highway 155 at the intersection of County Road 318 and 329, in Anderson County, Texas

- (the "Facility") that has approximately 518 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. During investigations conducted on May 15, 2007 and May 2, 2012, TCEQ staff documented that the Respondent failed to obtain sanitary control easements for all land within 150 feet of Well Nos. 1, 3, 6, 7 and 8.
- 3. During an investigation conducted on May 2, 2012, TCEQ staff documented that the Respondent had not received written approval from the TCEQ to place Plant No. 4 online.
- 4. During an investigation conducted on May 2, 2012, TCEQ staff documented that Well No. 9 did not have a well casing vent.
- 5. During an investigation conducted on May 2, 2012, TCEQ staff documented that there was not a fence surrounding Plant No. 4.
- 6. During an investigation conducted on May 2, 2012, TCEQ staff documented that the overflow pipe did not have a gravity-hinged and weighted cover on the ground storage tank ("GST") at Plant No. 4.
- 7. During an investigation conducted on May 2, 2012, TCEQ staff documented that a backflow prevention assembly was not installed at the Lake Palestine Animal Hospital.
- 8. During an investigation conducted on May 2, 2012, TCEQ staff documented that the Respondent is required to provide 3,440 gallons of pressure tank capacity at Plant No. 3. The pressure tank capacity available at Plant No. 3 was 3,000 gallons, which is 12% deficient.
- 9. The Respondent received notice of the violations on May 21, 2012.
- 10. The Executive Director recognizes that by July 13, 2012, the Respondent installed an intruder-resistant fence at Plant No. 4 and installed a well casing vent on Well No. 9.

II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 2, the Respondent failed to obtain a sanitary control easement for all land within 150 feet of the ground water wells, in violation of 30 Tex. Admin. Code § 290.41(c)(1)(F).
- 3. As evidenced by Findings of Fact No. 3, the Respondent failed to notify the Executive Director prior to making any significant change to the Facility's production, treatment, storage, pressure maintenance, or distribution system, in violation of 30 Tex. ADMIN. CODE § 290.39(j) and Tex. Health & Safety Code § 341.0351.

- 4. As evidenced by Findings of Fact No. 4, the Respondent failed to provide a well casing vent with an opening that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the groundwater well, in violation of 30 Tex. ADMIN. CODE § 290.41(c)(3)(K).
- 5. As evidenced by Findings of Fact No. 5, the Respondent failed to enclose the water treatment plant and all appurtenances within an intruder-resistant fence or a locked building that is to remain locked during periods of darkness or when the plant is unattended, in violation of 30 Tex. ADMIN. CODE § 290.42(m).
- 6. As evidenced by Findings of Fact No. 6, the Respondent failed to provide GSTs designed in strict accordance with American Water Works Association standards with an overflow pipe that terminates downward with a gravity-hinged and weighted cover tightly fitted with no gap over 1/16 inch, in violation of 30 Tex. ADMIN. CODE § 290.43(c)(3).
- 7. As evidenced by Findings of Fact No. 7, the Respondent failed to prohibit water connection to a residence or establishment where an actual or potential contamination or system hazard exists without an air gap separation or an approved backflow prevention assembly between the public water facilities and the actual or potential contamination or system hazard, as identified in 30 Tex. Admin. Code § 290.47(i), in violation of 30 Tex. Admin. Code § 290.44(h)(1)(A).
- 8. As evidenced by Findings of Fact No. 8, the Respondent failed to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection, in violation of 30 Tex. ADMIN. CODE § 290.45(b)(1)(D)(iv) and Tex. Health & Safety Code § 341.0315(c).
- 9. Pursuant to Tex. Health & Safety Code § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- An administrative penalty in the amount of One Thousand Two Hundred Seventy-Seven Dollars (\$1,277) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Health & Safety Code § 341.049(b). The Respondent has paid the One Thousand Two Hundred Seventy-Seven Dollar (\$1,277) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of One Thousand Two Hundred Seventy-Seven Dollars (\$1,277) as set forth in Section II, Paragraph 10

above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Frankston Rural Water Supply Corporation, Docket No. 2012-1174-PWS-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Provide written notification to the Executive Director of all modifications that have been made to the Facility's production, treatment, storage, pressure maintenance, or distribution system, including but not limited to the additional Plant No. 4, in accordance with 30 Tex. Admin. Code § 290.39. The notification shall be submitted to:

Utilities Technical Review Team Water Supply Division MC 159 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- ii. Provide the GST overflows with gravity-hinged and weighted covers that fit tightly with no gap over 1/16 inch, in accordance with 30 TEX. ADMIN. CODE § 290.43.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. and 2.a.ii.
- c. Within 90 days after the effective date of this Agreed Order:
 - i. Ensure that a proper backflow prevention assembly or an air gap is provided at all locations where an actual or potential contamination hazard exists, as identified in 30 Tex. Admin. Code § 290.47; and

ii. Obtain a sanitary control easement that covers all land with 150 feet for Well Nos. 1, 3, 6, 7 and 8, in accordance with 30 Tex. ADMIN. CODE § 290.41, or obtain Commission approval of an exception to the easement requirement pursuant to 30 Tex. ADMIN. CODE § 290.39.

The exception request shall be submitted to:

Technical Review and Oversight Team Water Supply Division, MC 159 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- d. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c.i. and 2.c.ii.
- e. Within 180 days after the effective date of this Agreed Order, provide a pressure tank capacity of 20 gallons per connection at Plant No. 3, in accordance with 30 Tex. Admin. Code § 290.45.
- f. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Frankston Rural Water Supply Corporation DOCKET NO. 2012-1174-PWS-E Page 6

Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section Manager Tyler Regional Office Texas Commission on Environmental Quality 2916 Teague Drive Tyler, Texas 75701-3734

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures

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may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't Code § 2001.142.

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For the Commission

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Pen Morien In	3/28/13
For the Executive Director V	Date
Frankston Rural Water Supply Corporation. I Order on behalf of Frankston Rural Water Su	d the attached Agreed Order in the matter of am authorized to agree to the attached Agreed pply Corporation, and do agree to the specified that the TCEQ, in accepting payment for the presentation.
Corporation waives certain procedural rights, i notice of violations addressed by this Agreed Or an evidentiary hearing, and the right to appeal.	greed Order, Frankston Rural Water Supply ncluding, but not limited to, the right to formal der, notice of an evidentiary hearing, the right to I agree to the terms of the Agreed Order in lieur constitutes full and final adjudication by the greed Order.
A negative impact on compliance history Greater scrutiny of any permit applicatio Referral of this case to the Attorney G additional penalties, and/or attorney fees Increased penalties in any future enforce	rs submitted; Ins submitted; General's Office for contempt, injunctive relief, s, or to a collection agency; ment actions; eral's Office of any future enforcement actions;
In addition, any falsification of any compliance d	locuments may result in criminal prosecution.
Signature	9/17/12
,	Date
NJ Duyor	Pres, Dan
Name (Printed or typed)	Title
Authorized Representative of	
Frankston Rural Water Supply Corporation	

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.